



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
17 August 2015

Original: English

Implementation Review Group

Resumed sixth session

Saint Petersburg, Russian Federation, 3-4 November 2015

Agenda item 2

Review of implementation of the United Nations

Convention against Corruption

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II. Executive summary

Brazil

1. Introduction: Overview of the legal and institutional framework of Brazil in the context of implementation of the United Nations Convention against Corruption

The United Nations Convention against Corruption was signed by Brazil on 9 December 2003. The instrument of ratification was enacted through Decree No. 5687 of 31 January 2006. Accordingly, the Convention has become an integral part of domestic law with the status of ordinary law. The legal system of Brazil is based on the civil law tradition; criminal offences of corruption are federal law.

The judicial system follows the Roman-Germanic civil law tradition and is characterized by inquisitorial features of this tradition.

The main anti-corruption bodies in Brazil are: the Office of the Comptroller General (Portuguese: Controladoria-Geral da União, CGU); the National Court of Accounts (TCU); the Federal Prosecution Service, the Federal Police Department and the Office of the Attorney General of the Union (Portuguese: Advocacia-Geral da União, AGU).

The National Strategy Against Corruption and Money-Laundering (ENCCLA), is the primary policy-coordination mechanism in Brazil with respect to money-laundering, financing of terrorism and corruption.

Several measures have been taken to advance the legal and institutional framework against corruption in Brazil since the Convention entered into force in 2006. A general finding of the review process is that Brazil has only fragmented statistical data on how anti-corruption aspects are dealt with within the context of the domestic criminal justice system.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Article 333 of the Penal Code (PC) establishes as a criminal offence the active bribery of public officials. By virtue of article 29 PC, an individual assisting in the commission of an offence, such as the intermediary in bribery cases, is also subject to criminal liability. Passive bribery of domestic public officials is criminalized through article 317 PC.

Article 327 PC provides for a definition of “public official”. This definition had been interpreted, broadly to cover anyone who exercises a public function.

Article 337-B criminalizes active bribery committed in international business transactions. The definition of “foreign public official” in article 337-D PC was based on the definition of “public official” of article 327 PC and covers the requirements of article 2(b) of the Convention.

The passive bribery of foreign public officials and officials of public international organizations has not been criminalized.

Trading in influence in the domestic sphere is criminalized through article 332 of the Penal Code. Article 337-C PC establishes the offence of “traffic of influence in an international business transaction”. These provisions cover only the passive form of the offence and the last one is only applicable in international business transactions.

Bribery in the private sector has not been criminalized through a specific provision in Brazil. Instead, there are different provisions covering certain elements of the offence such as: article 195 of Law No. 9279/1996; articles 175 and 177 PC; chapter II of Law No. 8137/1990; and Law No. 7492/1986.

Money-laundering, concealment (arts. 23 and 24)

Brazil has criminalized money-laundering through Law No. 9613, of 3 March 1998, as amended by Law No. 12683 of 2012 enacted on 9 July 2012 (article 1).

The legislation used to regulate predicate offences using a list approach. However, since the enactment of Law No. 12.683, any crime may be considered as predicate offence for money-laundering (all-crime approach). The law also punishes the attempt to commit money-laundering and the “concerted action” or co-delinquency for the same purpose.

The money-laundering offence can be applied in a situation where the predicate offence occurs abroad. The extraterritoriality of the predicate offence under the newly enacted “all crimes approach” is not precluded. Brazil also confirmed that there is no double criminality requirement for the predicate offence and that it does not need to establish jurisdiction over the predicate offence to exercise its competence over the money-laundering offence.

The review team took into account the statistics provided on money-laundering investigations, suspicious activities reports (SARs) and financial intelligence reports (FIRs). However, those statistics did not include information on final sentences and convictions. Therefore they were unable to assess the level of enforcement of the money-laundering legislation in Brazil.

The offence of concealment, as described in article 24 of the Convention, falls within the scope of article 180 PC, which includes all elements required by the Convention.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Article 312 PC criminalizes embezzlement in the public sector. Misappropriation is criminalized through article 315 PC.

The abuse of functions is criminalized in articles 319, 322 and 350 PC. Law No. 4.898/65 governs the representation right and the administrative, civil and criminal liability process in cases where abuse of functions is committed.

Brazil has an illicit enrichment offence since 2002. It was established through article 9(VII) of the Law of Administrative Improbability. However, the related sanctions are not criminal in nature. Brazil is currently considering adding penal sanctions to the ones already existing.

Public officials have to submit yearly asset declarations. In the event of irregularities, the Office of the Comptroller General conducts the appropriate administrative proceedings.

The legislation establishes several offences linked to embezzlement of funds in the private sector (articles 171-179 PC). More specifically, article 177 PC on fraud and abuse when incorporating and managing a company, partially criminalizes the conduct described in article 22 of the Convention.

Obstruction of justice (art. 25)

Article 25(a) of the Convention is implemented through two basic provisions: article 343 PC (“false testimony or auditing”), and article 344 PC (“coercion in the course of proceedings”).

Article 25(b) of the Convention is implemented through the above provision, since Brazil makes no difference whether the victim is an ordinary person or a justice or law enforcement official.

Liability of legal persons (art. 26)

The attribution of criminal liability to legal persons is only possible in limited circumstances defined in the Constitution. There are different laws regulating the civil and administrative liability of a legal person (Law No. 8884/94, Law No. 8666/93 and Law No. 8429/92).

Law No. 12.846, enacted in August 2013 (“Corporate Liability Law”), sets forth civil and administrative liability of legal persons for performing acts against the national or foreign public administration.

Money-laundering is not included in the list of offences for which a legal person can be held liable. In view of the limited statistics provided, the inability to assess the level of enforcement in money-laundering cases was noted by the reviewing experts.

Law No. 12.846 of 2013 provides for administrative and civil sanctions against legal persons.

In December 2007, the Office of the Comptroller General (CGU) created the Commission of Administrative Procedures against Suppliers (CPAF) in an effort to enhance the efficacy of provisions.

Participation and attempt (art. 27)

Article 29 PC is applicable to all forms of participation required by the Convention. In addition, article 14 PC covers the attempt to commit a criminal offence.

The PC does not include a specific description for preparation with a view to committing an offence. However, in certain cases the preparation of a criminal offence may be covered by article 286 PC or through article 1, paragraph 1, Law No. 12850.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

In general, the country's legislation provides for proportionate, dissuasive and effective sanctions for corruption offences. Bill No. 3760/2004 qualified as "heinous crimes" those crimes committed against the public administration. The legal consequence is the imposition of a stricter regime for the serving of sentences and the non-use of provisions on bail while in custody.

According to article 86, paragraphs 3 and 4 of the Constitution, the President of the Republic enjoys criminal immunity for acts outside his functions and therefore criminal proceedings cannot be brought against him/her. Members of the Government, and high-level public officials enjoy jurisdictional privileges according to the Federal Constitution and the Criminal Procedural Code. For those categories of public officials, there is a special system of competence, which is known as "privileged forum according to public functions". No more information was provided by the authorities to judge how the immunity of the President or the jurisdictional privileges could be lifted and how the balance between those immunities and the effectiveness of investigation, and prosecution of corruption offences is achieved.

In general, the rule of mandatory prosecution is the guiding principle. Nevertheless, Brazil has begun relaxing the rule of compulsory prosecution by introducing reforms inspired by plea-bargaining. Plea-bargaining is provided for in Law No. 12850 of 2013, Law No. 9099/1995 and Law No. 9613/1998 (article 13).

The need to ensure the presence of the defendant in criminal proceedings is dealt with in articles 311, 312, as well as 282, paragraph 4 of the Criminal Procedure Code (CPC) and on pretrial detention. Bill No. 3760/2004 foresees the exclusion of bail for some corruption offences (articles 313, 317, 319, 325 and 333 PC).

The legislation provides for early release or parole (*livramento condicional*) of inmates who can show that they satisfy a number of requirements (article 131 of Lei de Execução Penal; article 83 PC (listing requirements)).

According to article 20 of Law No. 8429/92 on Administrative Improbability, the public official, when accused of an offence, can be removed, if it is necessary for the prosecutorial proceedings.

The Penal Code states in its article 92 that the loss of the public function or position or elective office can also be a legal consequence of a conviction.

Based on Decree No. 5.480/2005, the organization of the disciplinary activities was established as a system, in which the Office of the Comptroller General (CGU) is the core body. The disciplinary actions are taken in parallel with civil and/or criminal actions.

A disciplinary coordination commission — a collegial body with advisory functions — aims to promote integration and uniform understanding of agencies and units that integrate the disciplinary system.

Under the above-mentioned plea-bargaining agreements, a judge may grant judicial pardon (article 4 of Law No. 12850/2013) or reduce the sentence or replace it with the penalty of restriction of rights of those who have cooperated with the investigation and prosecution authorities. Brazil confirmed the ability of its

authorities to protect collaborators of justice also through bilateral or multilateral treaties, as well as on the basis of reciprocity.

Protection of witnesses and reporting persons (arts. 32 and 33)

Witness protection is coordinated by the Federal Government and implemented at State level. Law No. 9807/1999 provides for the protection of witnesses (and victims insofar as they are witnesses) who contribute to criminal investigations through specially organized programmes.

The National Victims and Threatened Witnesses' Assistance System was established by Decree No. 3518/00, and it is managed by the Human Rights Secretariat.

The victims and threatened witnesses' protection programmes operate through a structure envisaged by Law No. 9807/1999. Brazil has measures to protect whistle-blowers in corruption cases. There are several provisions concerning whistle-blowers such as article 55 of Law No. 8443 of 16 July 1992 and Law No. 12527/2011 on Access to Information which protects officials from criminal, civil and administrative liability when they report "irregularities" in accordance with their reporting obligations. Normative Ruling No. 01 CRG/OGU of 24 June 2014 signed by the National Disciplinary Board and the Federal Ombudsman Unit, establishes rules for the reception and handling of anonymous complaints and also establishes the guidelines for whistle-blower's identity protection. Similarly, Article 126-A of Law 8112/1990 States that no public official can be held responsible, in any civil, criminal or administrative proceeding, when he/she reported to the proper authority his/her suspicion that another employee is engaged in unlawful activity.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Confiscation exists as a sanction under article 91 PC, which states the effects of a conviction and the coverage of the term "product". It remains unclear, however, whether an advantage obtained which is not in a monetary or tangible form is covered. The confiscation procedure is set forth in article 122 CPC.

Article 125 CPC provides for interim measures but only for the purposes of securing and preserving evidence. In addition, article 4 of Law No. 9613/98 on money-laundering provides that during investigations or judicial proceedings, the judge may order the seizure or the freezing of assets, rights and valuables that are connected, or are the object or the result of a crime referred to in the Law. By virtue of article 130 CPC, the seizure can be rejected when the defendant demonstrates the lawful origin of the property or goods.

A National Database System of Seized Properties was created by the National Justice Council as an electronic tool that consolidates all information about seized properties and assets in criminal procedures. However, there is no entity responsible for centralizing the administration of seized and confiscated property.

There is no explicit reference in the legislation to proceeds of crime transformed or converted into other property and proceeds of crime intermingled with legitimate property, or to income or other benefits derived from such proceeds of crime. Similarly, it is noted that instrumentalities of legal origin and instrumentalities destined for use are not subject to confiscation. Brazil does not require that an

offender demonstrates the lawful origin of the alleged proceeds of crime or other property liable to confiscation.

The rights of bona fide third parties are respected (article 91 PC). With regard to confiscation of proceeds held by a third party not acting in good faith which is a legal person, civil sanctions are provided in the Corporate Liability Law (article 19.I). A limitation was introduced in the Corporate Liability Law: confiscation of the profits under article 19.I is excluded in cases of successor companies, companies held jointly liable and leniency agreements. Although bank secrecy is protected in Brazil (article 5, clauses X and XII of the Federal Constitution), there are exceptions to this rule allowed both by case law and the provisions of Complementary Law No. 105/2001, by court order. The range is broad enough to cover offences established by the Convention.

Statute of limitations; criminal record (arts. 29 and 41)

The statute of limitations period is calculated on the basis of the maximum sentence for the offence, pursuant to articles 109 and 110 PC.

The “interruption” of the limitation period for the prosecution of offences is governed by clauses I to IV of article 117 PC.

Sentences served abroad or within the country for offences committed in the past are taken into account in domestic criminal proceedings (articles 8, 42 and 63 PC; and article 696 CPC).

Jurisdiction (art. 42)

Article 5 PC provides for jurisdiction on the basis of the principle of territoriality.

Article 7 PC provides for extraterritorial jurisdiction, including based on the active and passive personality principle. The establishment of extraterritorial jurisdiction in clauses II.b and II.3 is subject to the requirement of dual criminality.

The law treats money-laundering as a “continuous crime” and therefore if acts foreseen in article 23, paragraph 1(b)(ii) of the Convention are committed abroad and only a part of the offence in Brazil, then the offence is considered in its entirety to be subject to the Brazilian legislation.

Where extradition of nationals is denied, the offences may be prosecuted domestically based on the aforementioned provision establishing jurisdiction on the basis of the “active personality principle” (article 7 clause II.b PC).

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

The Brazilian legislation has provisions on the consequences of illegal acts, including corruption, for the validity of contracts and proceedings based on administrative laws (articles 49, 77- 78, 89-99 of Law No. 8666/93).

The Brazilian legislation also provides for the possibility of injured parties to have full reparation and restitution of damages suffered as a result of criminal offences, including corruption (article 91.I PC, article 186 of the Civil Code, article 12 of Law 8429/92).

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The federal specialized entities entrusted with anti-corruption tasks and mandates include the Office of the Comptroller General (Portuguese: Controladoria-Geral da União, CGU); the National Court of Accounts (TCU); the Federal Prosecution Service, the Federal Police Department and the Office of the Attorney General of the Union (Portuguese: Advocacia-Geral da União, AGU).

At the strategic level, an “Integrated Management Cabinet for Prevention and Combat against Corruption and Money-Laundering” (GGI) was created for the delineation of public policy and macro-objectives in this area.

The National Strategy Against Corruption and Money-Laundering (ENCCLA), which is coordinated by the Ministry of Justice, is the primary policy-coordination mechanism in Brazil with respect to money-laundering, financing of terrorism and corruption.

The cooperation between the national authorities and the private sector was confirmed mainly in the field of money-laundering. Law No. 9613/1998 specifies the framework for such cooperation. The reviewing experts suggested the expansion of such cooperation between national authorities and entities of the private sector to cover other offences than money-laundering.

2.2. Successes and good practices

Overall, the following good practices in implementing chapter III of the Convention are highlighted:

- The creation of the Commission of Administrative Procedures against Suppliers (CPAF) in an effort to enhance the efficacy of provisions establishing administrative penalties for companies that practice illegal acts in order to frustrate the core objectives of bids and contracts (article 26, para. 1);
- The National Register of Convicts for Administrative Improbability, which is a database gathering information on agents convicted of acts of administrative improbity, as a proactive tool for achieving social control of the acts of public administration (article 30.1);
- The development of the Disciplinary Procedures Management System (CGU-PAD), which is a software aiming at the storage and availability of information on the disciplinary procedures of the Federal Executive Branch (article 30, para. 8);
- The development of a National Database System of Seized Properties by the National Justice Council as an electronic tool that consolidates information about seized properties and assets in criminal procedures, for their control and monitoring (article 31, para. 3);
- The National Strategy against Corruption and Money-Laundering (ENCCLA) as a group integrated by public institutions and bodies as well as some corporative entities that discusses initiatives to combat corruption and money-laundering regarding the implementation of public policies (article 36);
- In relation to the administrative liability of legal persons the Federal Government of Brazil created the Registry of Ineligible and Suspended

Companies (CEIS), which posts a list on the Internet with data on enterprises punished for irregularities in tenders, tax frauds or non-compliance with contracts with the Public Administration.

2.3. Challenges in implementation

While noting the advanced anti-corruption legal system of Brazil, the reviewers identified some challenges in implementation and/or grounds for further improvement and made the following remarks to be taken into account for action or consideration by the competent national authorities depending on the mandatory or optional nature of the relevant requirements of the Convention:

- Continue developing its crime statistics system with a view to producing in a systematic manner consolidated statistical data in the whole anti-corruption criminal justice spectrum and for all stages of the relevant criminal proceedings;
- Construe the provision on active bribery in the public sector in a way that unambiguously covers instances of “giving” an undue advantage, in addition to those of its “promise” or “offer” (article 15(a));
- Consider the establishment of the offence of passive bribery of foreign public officials and officials of public international organizations (article 16);
- Consider amending the offence of active trading in influence with a view to cover all elements regulated in the Convention, and establishing the offence of passive trading in influence (article 18);
- Continue efforts to complete the process of enacting legislation on the criminalization of illicit enrichment (article 20);
- Consider the establishment of a specific offence of bribery in the private sector (article 21);
- Building on article 177 PC, consider fully criminalizing all forms of embezzlement in the private sector (article 22);
- Continue efforts to ensure effective enforcement of the money-laundering legislation (article 23);
- Enhance the application of the existing administrative/civil liability of legal persons (article 26);
- Ensure that legal persons can be held liable for money-laundering offences (article 26);
- Consider criminalizing all forms of preparation of a corruption offence (article 27, para. 3);
- Ensure that the statute of limitations period for corruption offences allows adequate time for the investigation, prosecution, sanctioning, and the completion of the full judicial process, including in cases where the final sentence is at the lower end of the scale (article 29);
- Make efforts to ensure an appropriate balance between the jurisdictional privileges of certain categories of public officials and the possibility of

effectively investigating, prosecuting and adjudicating corruption offences (article 30, para. 2);

- Amend domestic legislation to allow for the confiscation of instrumentalities of crime that are themselves of legal origin, and for instrumentalities destined for use (article 31, para. 1 (b));
- Continue working towards ensuring the full and effective implementation of article 31, paragraph 3, of the Convention, possibly through the establishment of an asset management office or other alternatives which might fit better in the country's system (article 31, para. 3);
- Amend domestic legislation to explicitly provide that proceeds of crime transformed or converted into other property and proceeds of crime intermingled with legitimate property, as well as income and other benefits derived from proceeds of corruption, are subject to the measures set forth in article 31 of the Convention (article 31, paras. 4-6);
- Brazil could consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or another property liable to confiscation (article 31, para. 8);
- Continue to develop and strengthen the application of specific legislation on the protection of reporting persons (article 33), while considering:
 - Retaliation against whistle-blowers should be *expressis verbis* forbidden and retributive actions should also be referred to as a form of discrimination in the legislative text;
 - In terms of implementation, the burden of proof in whistle-blowing cases should be *expressis verbis* placed on the employer;
- Establish specialized anti-corruption departments/units within the prosecution service (article 36);
- Expand the existing cooperation between national investigative and prosecuting authorities and the private sector on matters involving other corruption offences than money-laundering.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings
(arts. 44, 45 and 47)

Extradition is regulated in article 102 (I) (g) of the Federal Constitution, Article 76 et seq. of Law No. 6815/1981 (the Foreigners Statute) and by Decree 6061/2007 (which provides for the structure of the Ministry of Justice).

Article 76 of Law No. 6815/1981 stipulates that extradition can be provided on the basis of a convention/treaty or reciprocity. With regard to treaty-based extradition relations, Brazil considers the Convention as a legal basis for extradition. Brazil generally requires dual criminality for extradition, but also adopts a flexible approach by focusing on the underlying conduct and not on the denomination of the offence.

The legislation provides for a one-year period of imprisonment as a minimum penalty for extradition. Corruption offences generally comply with this minimum penalty.

The grounds for refusal of extradition requests are enumerated in article 77 of Law No. 6815/1981. Extradition cannot be refused on the ground that the offence involves fiscal matters.

In accordance with article 77 of Law No. 6815/1981, extradition is not granted if the offence for which it is requested is a political crime. There is no definition of the “political offence”, nor is a list of “political crimes” contained in the domestic legislation. The reviewing experts were not in a position to judge whether considerations of “political nature” could hinder extradition for offences covered by the Convention.

Brazil does not extradite its nationals. In practice, where a request for extradition is refused on the ground of nationality, the authorities forward the case to the prosecution authorities without delay, in application of the principle “*aut dedere aut judicare*”.

Brazil does not enforce foreign sentences in lieu of extradition of nationals to partially or totally serve foreign sentences. If the extraditable person is a national of Brazil, foreign sentences may only be considered as proof of recidivism, provided that the person sought has committed an offence after the extradition request. However, a bilateral treaty signed with the Netherlands provides for foreign sentences to be enforced in Brazil where the extradition of a national of Brazil is refused.

Simplified extradition procedures are foreseen in some bilateral treaties to which Brazil is a party to address cases in which the person sought agrees to be extradited. No information has been provided regarding the average duration of the extradition process. The need for a more systematic approach in compiling statistical data on extradition cases was highlighted.

Brazil is bound by regional and multilateral extradition treaties, including bilateral extradition treaties in force with 28 countries and territories.

Article 9(III) of Decree No. 6061/2007 governs the transfer of prisoners into and out of Brazil. Brazil has concluded 11 bilateral treaties on transfer of prisoners and is a party to relevant regional instruments.

Regarding the transfer of criminal proceedings, there is no specific legal framework in Brazil which allows for such transfer.

Mutual legal assistance (art. 46)

Brazil does not have in place specific legislation for the provision of mutual legal assistance. It can afford mutual legal assistance on the basis of a relevant treaty (including the Convention) or on the principle of reciprocity.

The requirements and grounds for refusal set forth in the Convention (article 46, para. 21) are applied directly domestically. Brazil does not refuse requests for mutual legal assistance when they involve fiscal matters. Brazil has ratified bilateral Mutual Legal Assistance Treaties with 19 countries. Bank secrecy is not a ground for refusal of mutual legal assistance requests.

The central authority for mutual legal assistance is the Departamento de Recuperação de Ativos e Cooperação Internacional (Department of Asset Recovery and International Cooperation, of the Ministry of Justice, DRCI). For some countries, the central authority for mutual legal assistance is the Federal Prosecution Service.

Similarly to extradition, the reviewing experts were not provided with analytical statistical data on the effectiveness of mutual legal assistance proceedings.

Brazil is bound by multilateral instruments on mutual legal assistance (or with provisions on mutual legal assistance) and 19 bilateral treaties.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

The Federal Prosecution Service (MPF) exchanges information with agencies in other countries for the rapid identification of crimes, both those covered by the Convention and other offences.

Decree No. 2799/1998 establishes that the Council for the Control of Financial Activities (COAF), the financial intelligence unit of Brazil, may share information with relevant authorities of foreign countries and international organizations based on reciprocity or on agreements. As member of the Egmont Group of Financial Intelligence Units, COAF is also entitled to exchange information with other financial intelligence units.

Moreover, Brazil is a member of the International Criminal Police Organization (INTERPOL).

Brazil takes part in three networks of international legal cooperation: the Ibero-American Judicial Cooperation Network (IberRED); the Network of International Legal and Judicial Cooperation of Portuguese Language Countries (CPLP Judicial Network); and the Hemispheric Network for Exchange of Information for Legal Assistance in Criminal Matters and Extradition, the Asset Recovery Network of the Financial Action Task Force of South America against Money-Laundering (RRAG).

Investigating authorities in Brazil make use of joint investigation teams on the basis of the Convention and the United Nations Convention against Transnational Organized Crime.

A large number of special investigative techniques have been regulated domestically. However, law No. 9296/1996 and law No. 12850/ 2013 do only apply to corruption offences when committed by criminal organizations or are transnational in nature.

3.2. Successes and good practices

Overall, the following points are regarded as successes in the framework of implementing Chapter IV of the Convention:

- The flexible interpretation of the dual criminality requirement in both extradition and mutual legal assistance proceedings (articles 44 para. 2, 46 para. 9);

- The participation of Brazil in three networks of international legal cooperation (article 48, para. 1).

3.3. Challenges in implementation

While noting the advanced anti-corruption legal system of Brazil, the reviewers identified some challenges in implementation and/or grounds for further improvement and made the following remarks to be taken into account for action or consideration by the competent national authorities (depending on the mandatory or optional nature of the relevant Convention against Corruption requirements):

- Continue efforts to put in place — or improve — and render fully operational an information system, compiling in a systematic manner information on extradition and mutual legal assistance cases, with a view to facilitating the monitoring of such cases;
- Ensure that consistent jurisprudence of the Supreme Federal Court guarantees that any crime established in accordance with the Convention is not considered or identified as a political offence that may hinder extradition (article 44, para. 4);
- With due regard to the rights of the person sought, ensure that extradition proceedings are conducted in an expeditious manner, also in those cases where the simplified extradition process does not apply (article 44, para. 9);
- Continue to ensure that domestic criminal proceedings are initiated when extradition is denied on the ground of nationality or other grounds, in application of the principle “*aut dedere aut judicare*” (article 44, para. 11);
- Consider taking legislative measures to allow the enforcement of foreign criminal judgements, including in cases where such enforcement is an alternative to extradition when the latter is denied on the grounds of nationality (article 44, para. 13);
- Expand the scope of application of existing legislation on special investigative techniques to cover not only offences committed by criminal organizations or transnational in nature, but also corruption offences without the involvement of criminal organizations.